

BEFORE THE  
POSTAL REGULATORY COMMISSION  
WASHINGTON, D.C. 20268-0001

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*In the Matter of:*

Pimmit Branch  
Falls Church, Virginia 22043  
(Elaine J. Mittleman, Petitioner)

Docket No. A2011-90

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**UNITED STATES POSTAL SERVICE RESPONSE TO ORDER NO. 1005**  
(December 2, 2011)

By means of Order No. 882 (September 29, 2011), the Postal Regulatory Commission (Commission) docketed correspondence from Elaine J. Mittleman (Petitioner), a customer of the Pimmit Branch in Falls Church, Virginia, assigning PRC Docket No. A2011-90 as an appeal pursuant to 39 U.S.C. § 404(d).<sup>1</sup> On October 18, 2011, the Petitioner filed a motion requesting that the United States Postal Service (Postal Service) supplement the record concerning the relocation of the main Post Office in Falls Church, VA (Motion I).<sup>2</sup> On November 7, 2011, the Petitioner filed another motion, requesting that the Postal Service supplement the record concerning the Pimmit Branch study (Motion II).<sup>3</sup> On November 29, 2011, the Commission issued Order No. 1005, denying in part and granting in part Petitioner's Motion I and Motion II.<sup>4</sup> Order No. 1005 directed "the Postal Service to file no later than December 2, 2011 notice of any events that have

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<sup>1</sup> PRC Order No. 882, Notice and Order Accepting Appeal and Establishing Procedural Schedule, PRC Docket No. A2011-90, September 29, 2011.

<sup>2</sup> Motion of Petitioner to Request the United States Postal Service to Supplement the Record concerning the Relocation of the Main Post Office in Falls Church, Virginia 22046, PRC Docket No. A2011-90, October 18, 2011.

<sup>3</sup> Motion of Petitioner to Request the United States Postal Service to Supplement the Record concerning the Pimmit Branch Study, Falls Church, Virginia 22043, PRC Docket No. A2011-90, November 7, 2011.

<sup>4</sup> PRC Order No. 1005, Order on Motions to Supplement the Record and Modifying Procedural Schedule, PRC Docket No. A2011-90, November 29, 2011.

made material facts (or findings) relied upon in the Final Determination obsolete or no longer valid.”<sup>5</sup> This pleading responds to that request.

The discontinuance of the Pimmit Branch was subject to the procedures set forth in Chapter 7 of Handbook PO-101 (August 2004) updated with Postal Bulletin revisions through August 2, 2007 (2007 Handbook PO-101). These regulations were carried forward for discontinuance actions commencing before July 14, 2011. See 39 C.F.R. 241.3(a)(C)(ii).<sup>6</sup> Under regulations in effect at the time, “requests for discontinuance of classified stations, branches, or CPOs must be submitted in writing to the vice president, Delivery and Retail, for approval.”<sup>7</sup> Chapter 7 of 2007 Handbook PO-101 does not include specific requirements concerning the documentation related to a request for discontinuance of a branch,<sup>8</sup> but Section 721 of the 2007 Handbook PO-101 states that “Requests for discontinuance must be accompanied by enough information to document the request.”<sup>9</sup>

In response to Order No. 882,<sup>10</sup> on October 12, 2011, the Postal Service filed documentation concerning the discontinuance of the Pimmit Branch.<sup>11</sup> Item

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<sup>5</sup> *Id.*, at 5.

<sup>6</sup> See Answer of United States Postal Service to Petitioner’s Motion dated November 7, 2011, to Request the United States Postal Service to Supplement the Record, PRC Docket No. A2011-90, November 14, 2011, at 1-2.

<sup>7</sup> Handbook PO-101, August 2004, Updated with Postal Bulletin Revisions Through August 2, 2007, Section 71, at 53.

<sup>8</sup> In contrast, 39 C.F.R. 241.3(d)(4) includes specific requirements concerning the administrative record and 39 C.F.R. 241.3(f)(1) requires that the “review and the decision on the proposal must be based on and supported by the record developed by the district manager, Customer Services and Sales.” In this response, the Postal Service refers to the documentation that the Postal Service filed in this docket on October 12, 2011, as “the administrative record.”

<sup>9</sup> Handbook PO-101, August 2004, Updated with Postal Bulletin Revisions Through August 2, 2007, Section 721, at 53.

<sup>10</sup> PRC Order No. 882, at 3.

<sup>11</sup> United States Postal Service Notice and Application for Non-Public Treatment, PRC Docket No. A2011-90, October 12, 2011.

No. 20 in the record in this docket includes a list of nearby Postal Service retail facilities, as well as other Stamps on Consignment locations, which are listed in alphabetical order. Item No. 20 was accurate at the time that it was created. According to the index included in the first two pages of the record, Item No. 20 was entered into the record on June 21, 2010. "Chevy Chase" in Item No. 20 refers to "Chevy Chase Bank." Since Item No. 20 was created, some of the Stamps on Consignment locations near the Pimmit Branch have changed.

In the comments that the Postal Service filed in this docket on November 21, 2011, the Postal Service provided the first part of an updated list of Postal Service retail facilities and Stamps on Consignment sites located near Pimmit Branch (updated list). The list is arranged in order of proximity to Pimmit Branch.<sup>12</sup> Although some of the Stamps on Consignment locations near Pimmit Branch have changed since Item No. 20 was created, the updated list includes at least three Stamps on Consignment locations that are located within 1.2 miles of Pimmit Branch. These locations include the Whole Foods Market at 7511 Leesburg Pike, the Giant at 1230 W. Broad Street, the CVS at 1150 W. Broad Street, and the Staples at 1104 W. Broad Street. All of these locations were also included in Item No. 20 of the administrative record.

Therefore, the statement on page 5 of the final determination that "[t]hree Stamps on Consignment locations are located within 1.2 miles of Pimmit" is still correct, and the Postal Service is hereby providing notice of Stamps on

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<sup>12</sup> Comments of United States Postal Service, PRC Docket No. A2011-90, November 21, 2011, Exhibit 1.

Consignment locations listed in the previous paragraph that are located within  
1.2 miles of Pimmit Branch.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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